

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JAMES R. TAYLOR,

Petitioner,

-vs-

MARGARET BRADSHAW, Warden,

Respondent.

:

Case No. 3:04-cv-154

:

District Judge Walter Herbert Rice
Chief Magistrate Judge Michael R. Merz

:

ORDER GRANTING REQUEST TO CONDUCT DISCOVERY

On Motion of the Petitioner (Doc. No. 32) and for good cause shown, it is hereby ordered that Petitioner may depose Susan Perry-Dyer on the matters raised in the Motion.

Respondent's objections)See Doc. No. 34) to the discovery are twofold.

First, Respondent notes that she has claimed the Fourth Ground for Relief is procedurally defaulted. However, the Court has not yet ruled on that claim and has no motion before it requiring it to decide at this stage of the case.

Second, Respondent contends that Petitioner has not shown due diligence in seeking the information in question in the prior state court proceedings. However, the attachments to the instant Motion and colloquy quoted from the trial show that trial counsel did attempt to obtain the documents at precisely the time they would have been most useful, i.e., at the time Dr. Perry-Dyer was being cross-examined.

June 23, 2005.

s/ **Michael R. Merz**
Chief United States Magistrate Judge